

# **EXHIBIT C**

## Matthew Scheck

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**From:** Matthew Scheck  
**Sent:** Thursday, July 16, 2015 11:35 AM  
**To:** Ahmad, N. Mahmood; Johnson, Matthew; Joseph, Cheryl  
**Cc:** Isaac Nesser  
**Subject:** Decision One Counterclaim

Counsel,

Further to our conversation this morning, Decision One's counterclaim asserts claims purportedly arising out of pre-petition contracts, and thus those claims are prepetition claims. Notwithstanding that Decision One was notified of RFC's bankruptcy filing, the deadline for filing proofs of claim, and the Plan and Confirmation Hearing, it appears Decision One failed to file a timely proof of claim preserving the claims it now asserts. Accordingly, those claims were discharged (*see, e.g.*, Confirmation Order ¶ 42), and Decision One is enjoined from pursuing the counterclaim (*see, e.g.*, Plan Art. IX(I)). *See also* Plan Art. IX(I) ("Any person injured by any willful violation of this injunction shall be entitled to recover actual damages, including costs and attorneys' fees and, in appropriate circumstances, may recover punitive damages..."). As we stated on the call, we therefore request that Decision One withdraw its counterclaim immediately. If Decision One is unwilling to do so, we plan to file a motion to enforce the Plan Injunction in the Bankruptcy Court, and we request that Decision One consent to an extension of RFC's time to answer or otherwise respond to the Counterclaim in front of Judge Nelson, until Judge Glenn has had an opportunity to rule on that motion. Please let us know if you have any questions or would like to discuss further.

Best,

Matt

**Matthew Scheck**

*Associate*

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